INSTRUCTIONS FOR SMALL CLAIMS COURT

Compiled by Sherry Coker

IMPORTANT – PLEASE READ

IF NOT PROPERLY COMPLETED AND PARTIES NOT PROPERLY SERVED YOUR CASE MAY BE DISMISSED OR YOU MAY NOT OBTAIN YOUR FINAL JUDGMENT.

Small Claims is a special procedure which simplifies the court process and is used to resolve civil disputes that involve amounts of money not more than $8,000.00. It is recommended that **prior** to filing suit, you contact the other party in an attempt to reach a solution to your dispute. If you are not sure that you have a valid legal claim against the other party, you may need to seek the advice of an attorney.

NOTE: Be sure to PRINT your name and the Defendant(s) name in the Caption of all of the enclosed documents. Also be sure the Case Number is written in the caption.

REQUIREMENTS TO FILE A CASE. You must be at least 18 years of age. You may be an individual, a person Doing Business As (d/b/a) or a corporation. A minor child must have a parent or legal guardian file on their behalf.

VENUE. Venue, or location where a suit should be filed, is in the County where:

*Defendant(s) lives
*Dispute or event which gave rise to the lawsuit occurred
*Property in dispute is located
*Payment is received on a secured promissory note
*Contract was entered into

If you do not file your case in the proper County, the Defendant(s) may have it moved to the correct County and you **will be required to pay a new filing fee.**

PROPER NAME AND ADDRESS OF DEFENDANT(S). Before filing your claim, you should make **sure** you have the proper name(s) and address(s) of the party(s) you want to sue.

If you are suing an individual, and if the spouse will be included in the suit, obtain the proper name and street address of the spouse. First names must be used and any alias names, if known. **Avoid using "Mr. and Mrs.".**

If you are suing a corporation, you must know the correct name of the corporation and the state in which it is incorporated. Obtain the name and address of an officer of the corporation: the president, vice president, etc...; or in the absence of any of these, the name and address of the business agent residing in this state; or the name of the resident agent transacting business for the corporation in this state. To find this information, you may write or call: SECRETARY OF STATE OF FLORIDA, Attn: Corporation Division, Tallahassee, Fl. 32304, (850) 488-9000, or locate them on the internet at http://www.sunbiz.org This information is needed for service on the corporation.

If you are suing a partnership, you will need to obtain the names and addresses of **all** of the partners.

Many individuals, partnerships, and corporations do business under a fictitious name, such as: Jim Jones d/b/a Baby World; Jim Jones, Joe Black, a partnership, d/b/a Jones & Black Construction; or XYZ, Incorporated, a Florida corporation, d/b/a Chicken Shack. You cannot sue a fictitious name because it is not an entity. You have the burden of investigating to determine whether individuals, partnerships, or a corporation are doing business under a fictitious name. This information may be determined by calling the Secretary of State, Division of Corporations, the Occupational License Section of the Tax Collector's Office, or the licensing department of the City or County where the principal place of business is located.

FILING YOUR CASE. Using black ink, please complete the **CIVIL COVER SHEET, NOTICE OF PERMANENT MAILING ADDRESS and STATEMENT OF RESPONSIBILITY** forms included in this packet. No claim will be filed without the appropriate filing fee:

For claims less than $100.....$65.00
For claims of $101 - $500.....$90.00
For claims of $501 - $2,500.....$185.00
For claims of $2,501 - $8,000.....$310.00

The Clerk can accept cash, personal or business checks, cashier checks or money orders. All checks are to be payable to: **Clerk of Court**. Please do not send cash through the mail.

If your lawsuit is to repossess personal property sold by you but unpaid, or something loaned and not returned, ask the Clerk for information and fees for filing a **REPLEVIN COMPLAINT**.

Please complete the **STATEMENT OF CLAIM** form included in this packet and sign it in the presence of a Deputy Clerk or Notary Public. Be sure to attach any additional explanations if necessary. If your claim is founded on an instrument of writing such as a sales contract, returned check, promissory note, written warranty, lease, etc., it will be necessary for you to furnish a copy of such instrument for attachment as an exhibit to each claim form to be filed.

For each defendant you are suing, please provide the Clerk with one copy of the complaint, together with a copy of any attachment or exhibit. If you are suing a husband and wife, you must furnish the Clerk with a copy of the complaint, and attachments and exhibits, if any, for each of them. **Any copies that the Clerk is asked to make by you will be at a cost of $1.00 per page (F.S. 28.24).**

You must complete and file the **NON-MILITARY AFFIDAVIT** with the Clerk prior to the Pre-Trial Conference.

After filing your claim, you will be supplied with the date of your Pre-Trial Conference. Please note that you may appear in person or by an attorney at the Pre-Trial Conference. **You may not appear by telephone.**

SERVICE ON DEFENDANT(S). A Deputy Clerk will issue the enclosed **SUMMONS/NOTICE TO APPEAR FOR PRETRIAL CONFERENCE**. Please fill in the caption by clearly printing your name, the Defendant's name(s), and the Case Number. You will be responsible for delivery of the Summons/Notice to Appear for Pre-Trial Conference, and a copy of the Statement of Claim with exhibits, if any, to the appropriate Sheriff's Office. The Sheriff's Office charges a fee of $40.00 per person for service on the Defendant(s). A husband and wife must each be served. You cannot serve one and not the other. The Sheriff's Office will not accept personal checks. Please pay by money order or cashier's check. **Be sure you deliver the summons/notice to appear for pretrial conference to the Sheriff's Office in the County where the Defendant(s) resides.**

You may also serve the Defendant(s) by a private process server. Personal service by private process server varies in cost. Please consult the telephone book for process servers in the appropriate county.

You may also serve the Defendant(s) by certified mail. This type of service can only be used if the Defendant(s) is a Florida resident and must be by Return Receipt signed by the Defendant(s) or someone authorized to receive mail at Defendant's residence or principal place of business. This service is not very effective and may result in additional delay and expense if the Defendant(s) refuses delivery of this service. In such case, you would be required to pay the service fee for personal service for the Sheriff's Office to serve the Summons/Notice to Appear for Pre-Trial Conference. The case will also have to be reset for a later date.

NOTE: It is **your** responsibility to check with the Clerk of Court and/or the Sheriff's Office to ascertain if service has been made on the Defendant(s) prior to Pre-Trial Conference. If the Defendant(s) was not served and you discover a new address for Defendant, an Alias Summons/ Notice to Appear for Pre-Trial Conference with the new address must be requested. This will also be prepared by a Deputy Clerk. A new Pre-Trial Conference will be scheduled. It is not necessary to appear at the originally scheduled Pre-Trial Conference if the Defendant(s) was not served.

DEFENDANT'S OPTIONS: The Defendant(s) may file a counterclaim against you, which shall be filed not less than 5 days prior to the Pre-Trial Conference date. The Defendant(s) may also file a compulsory counterclaim against you which arose out of the same transaction which initially caused you to sue the Defendant(s). The Defendant(s) may also file a permissive counterclaim based on a grievance that a Defendant(s) has against you that is not related to your lawsuit. In

addition, a Defendant(s) may file a third party complaint against a person not a party to the action who is or may be liable to him/her for all or part of your claim against him.

PRE-TRIAL CONFERENCE/MEDIATION. Pre-Trial Conference hearings are scheduled not more than 35 days from date of filing the action. We schedule cases no less than two (2) weeks prior to the next court date to allow for adequate service. Pre-Trial hearings are for the following: simplification of issues; necessity or desirability of amending the pleadings; possibility of a settlement through mediation; and other matters as the court in its determination deems necessary. If your case is not settled at Pre-Trial Conference through mediation, the court will set a trial date. All cases that are set for trial will be a non-jury trial unless a written demand for Jury Trial is made by the Plaintiff(s) at the commencement of the action, or by any Defendant(s) within five (5) days after service of the Summons, or at Pre-Trial Conference. If the demand is not made, the right to trial by jury is waived. **Do not bring witnesses to Pre-Trial Conference.**

BE SURE YOU COME WITH FULL SETTLEMENT AUTHORITY.

If you do not appear, either in person or by an attorney, your case will be dismissed for lack of prosecution.

If the Defendant(s) does not appear, either in person or by an attorney, a judgment will be entered in your favor.

DEFAULT ON STIPULATION/AGREEMENT. If you and the Defendant(s) enter into a written settlement agreement at mediation and the Defendant defaults or fails to pay as agreed, please complete the **AFFIDAVIT OF NON-COMPLIANCE WITH STIPULATION/ AGREEMENT** in this packet and file it with the Clerk, together with the **FINAL JUDGMENT** form enclosed in this Packet. The Clerk will present these to the Court for entry of the Final Judgment in your favor without further hearing or notice. Be sure to fill in the Caption on the Final Judgment by printing your name and the Defendant's name and filling in the Case Number. Submit stamped envelopes addressed to the Defendant(s) and yourself for mailing of the Final Judgment by the Court.

SETTLEMENT. If you and the Defendant(s) agree on a settlement of all claims, then you, as Plaintiff(s), will need to complete and sign the **NOTICE OF VOLUNTARY DISMISSAL** to prevent the case from going to court.

PREPARATION FOR TRIAL. Bring the **AFFIDAVIT OF PLAINTIFF'S CLAIM** signed and sworn before a Deputy Clerk or Notary Public. Bring all original contracts, agreements, photos, or other documents relevant to you case. If you have written estimates to substantiate you claim, it is advisable to have that person present who gave the estimates to state how he arrived at those amounts. It is important to subpoena witnesses and expert witnesses such as automobile mechanics, carpenters, builders, auto body repairmen, etc. Please see the Deputy Clerk for issuance of subpoenas. The subpoenas will need to be served by the Sheriff's Department on the person you want to be in court as a witness or expert. **ALL COSTS PAID BY YOU FOR FILING THIS SUIT AND SERVICE OF PROCESS ON DEFENDANT(S), AS WELL AS WITNESSES AND EXPERTS, ARE RECOVERABLE IF YOU PREVAIL IN THE LAWSUIT.**

If you intend to pursue your final judgment, if successful at trial, by levy or garnishment, you will need to request an enforcement paragraph to be included in the final judgment. To do this, please complete the **MOTION FOR ENFORCEMENT PARAGRAPH** included in this packet. Please obtain the **AFTER JUDGMENT PACKET** from the Clerk of Court.

TRIAL. Please dress appropriately, shoes and shirt required, no shorts. Do not bring children to court. Be respectful to the Court by addressing the Judge as "Your Honor". Do not interrupt while the other person is testifying. You will have your opportunity to address the court in response to their statements.

When you begin to testify, get to the point fast, immediately follow up by stating how much money you are requesting. Practice in advance. After giving the brief explanation, you may then go into more detail. Be sure and present all of your evidence to the court. Make a list for yourself so you do not forget anything. If you have witnesses, this is the time to produce them. Be sure you know what your witnesses or experts are going to say.

Your non-jury trial will not be recorded. If you wish a record of the proceedings, a court reporter is necessary. You will have to bear the expense. Appeals to a higher court because you are not satisfied with the outcome of your trial are governed by special rules. One of these rules requires that the appeal court have a complete record of the trial to review. If you do not have a court reporter at your trial, you chances for success on appeal will be severely limited.

Bring stamped envelopes addressed to you and the Defendant(s) for mailing of the final judgment by the Court. ALSO, bring the **MEANS OF FINAL DISPOSITION** form with you for filing with the Court concluding the lawsuit.

AFTER JUDGMENT. A Judgment arising from an auto negligence case can result in suspension of the Defendant's license until the judgment is paid. After the expiration of 30 days from filing the final judgment, you may forward a certified copy of the judgment to the Bureau of Financial Responsibility providing the judgment has not been satisfied.

If you prevail and when you receive your final judgment, you can do certain things in order to collect your money. The court is not a collection agency and they do not contact the Defendant(s) in an effort to make him pay you the amount awarded in your final judgment. The Clerk's office can give you information in regards to collection procedures you may take. Ask the Deputy Clerk for an **AFTER JUDGMENT PACKET**.

If the Defendant(s) pays you in full after the judgment is entered, please complete the **SATISFACTION OF JUDGMENT** included in this packet and deliver it to the Defendant.

PLEASE BE AWARE that it is the obligation of the Plaintiff(s) to provide Defendant(s) with a **SATISFACTION OF JUDGMENT** upon payment of the judgment. Failure or refusal to satisfy this judgment as provided by F. S. 701.05 could result in a misdemeanor of the second degree, punishable as provided in F. S. 774.082 or 775.083.

*****NOTICE*****

ALL PAPERWORK PROVIDED BY THIS OFFICE IS USED FOR 'PRO SE' LITIGANTS ONLY. 'PRO SE' MEANS THAT YOU ARE ACTING AS YOUR OWN ATTORNEY. ACTING AS YOUR OWN ATTORNEY MAKES YOU RESPONSIBLE FOR EVERYTHING THAT INVOLVES YOUR CASE FILE. FOR EXAMPLE, IF YOU DO NOT RECEIVE A COURT DATE OR NOTICE FROM THIS OFFICE OR THE JUDGE, IT IS UP TO YOU TO CONTACT THE JUDGE FOR A HEARING DATE.

THIS PACKET IS PROVIDED FOR YOUR USE BY:

HONORABLE PARKER R. HALL
COUNTY COURT JUDGE
DESOTO COUNTY, FLORIDA
115 EAST OAK STREET, SUITE 201
ARCADIA, FLORIDA 34266

HONORABLE NADIA K. DAUGHTREY
CLERK OF COURT
DESOTO COUNTY, FLORIDA
115 EAST OAK STREET
ARCADIA, FLORIDA 34266

FORM 1.997 CIVIL COVER SHEET

The civil cover sheet and the information contained in it neither replace nor supplement the filing and service of pleadings or other documents as required by law. This form must be filed by the plaintiff or petitioner with the Clerk of Court for the purpose of reporting uniform data pursuant to section 25.075, Florida Statutes. (See instructions for completion.)

I. CASE STYLE

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

Plaintiff _____ Case No: _____
_____ Judge _____

vs.

Defendant_____
_____

II. AMOUNT OF CLAIM

Please indicate the estimated amount of the claim, rounded to the nearest dollar. $ __

III. TYPE OF CASE (If the case fits more than one type of case, select the most definitive category.) If the most descriptive label is a subcategory (is indented under a broader category), place an x on both the main category and subcategory lines.

CIRCUIT CIVIL

_____ Condominium
_____ Contracts and indebtedness
_____ Eminent domain
_____ Auto negligence
_____ Negligence—other
_____ Business governance
_____ Business torts
_____ Environmental/Toxic tort
_____ Third party indemnification
_____ Construction defect
_____ Mass tort
_____ Negligent security
_____ Nursing home negligence
_____Premises liability—commercial
_____ Premises liability—residential
_____ Products liability
___ ___ Real property/Mortgage foreclosure
_____ Commercial foreclosure
_____ Homestead residential foreclosure
_____ Non-homestead residential foreclosure
_____ Other real property actions
_____ Professional malpractice
_____ Malpractice—business
_____ Malpractice—medical
_____ Malpractice—other professional

_____ Other
_____ Antitrust/Trade regulation
_____ Business transactions
_____ Constitutional challenge—statute or ordinance
_____ Constitutional challenge—proposed amendment
_____ Corporate trusts
_____ Discrimination—employment or other
_____ Insurance claims
_____ Intellectual property
_____ Libel/Slander
_____ Shareholder derivative action
_____ Securities litigation
_____ Trade secrets
_____ Trust litigation

COUNTY CIVIL

_____ Civil
_____ Replevins
_____ Evictions
_____ Other civil (non-monetary)

IV. REMEDIES SOUGHT (check all that apply):
_____ Monetary;
_____ Nonmonetary declaratory or injunctive relief;
_____ Punitive

V. NUMBER OF CAUSES OF ACTION: [ ]
(Specify) _____

VI. IS THIS CASE A CLASS ACTION LAWSUIT?
_____ yes
_____ no

VII. HAS NOTICE OF ANY KNOWN RELATED CASE BEEN FILED?
_____ no
__ yes If "yes," list all related cases by name, case number, and court._____
_____

VIII. IS JURY TRIAL DEMANDED IN COMPLAINT?
_____ yes
_____ no

I CERTIFY that the information I have provided in this cover sheet is accurate to the best of my knowledge and belief, and that I have read and will comply with the requirements of Florida Rule of Judicial Administration 2.425.

Signature _____ Fla. Bar # _____
Attorney or party (Bar # if attorney)

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

NOTICE OF PERMANENT MAILING ADDRESS

I/We, _____, the Plaintiff(s) in the above styled cause of action hereby certify that my/our permanent mailing address is as follows:

_____
_____
_____
Phone: _____

I/WE UNDERSTAND THAT ONLY THIS ADDRESS WILL BE USED BY THE COURT, THE OPPOSING PARTY, AND ANY INTERVENING PARTIES TO THIS CASE FOR THE PURPOSE OF PROVIDING ME WITH:

a. Notice of all future hearings in this case, and
b. Any Court documents and papers pertaining to this case.

I/We understand that all notices and court papers in this case will be sent to me/us only at the above address and that in the event personal service of any court documents is necessary that they will first be attempted to be served at the above listed address unless and until I/We notify the court of my/our new address. I/We also understand that if I/We change my/our permanent mailing address or residence address, I/We must notify the Clerk of Court of my/our new address **in writing** by completion of another form similar to this form at the following address within one week of the change of address and with a copy being furnished to all parties:

CLERK OF COURT
County Civil/Small Claims Division
115 East Oak Street
Arcadia, Florida 34266

I/We have read this document and I/We understand that it is my/our responsibility to keep the Court informed of any change in my/our current address. I/We understand that copies of any court documents and notice of all future hearings which are mailed to my/our current address set forth herein will constitute proper notice and service, and the Court may proceed on all matters noticed and mailed to the above address even if I/We do not appear for said hearing.

Dated: _____ _____
Signature

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

STATEMENT OF RESPONSIBILITY
(Civil Case $8,000.00 or less)

Before filing this case I have considered the following matters and acknowledge that:

1. This case is being filed in the County Court under the Summary Procedure Rules of Court; that it is considered a layman's court; that I, and the Defendant(s), may be represented by an attorney of our individual choice but neither is required to do so, and that the conduct of this case will be in accordance with the rules of procedure and laws of Florida which apply to this case.

2. The naming of proper parties is an important element of the case and the responsibility for naming the proper Plaintiff(s) and Defendant(s) in this case is mine.

3. I am responsible for the furnishing of a correct address or location at which the Defendant(s) can be served or given notice of this suit.

4. I assume responsibility as to my right to file this case for myself or for the named Plaintiff(s).

5. I do not expect the Clerk, who received and files this claim, to give me legal advice as to how to prosecute this case and acknowledge that the Clerk is not acting as my attorney or legal advisor.

6. I am solely responsible for the collection of any judgment entered in my favor.

Dated: _____

_____
Signature
_____
_____
Address
Phone: _____

IN THE COUNTY COURT OF THE _____ JUDICIAL CIRCUIT

IN AND FOR _____ COUNTY, FLORIDA

_____ Case No.: _____

_____

Plaintiff(s)

vs. Defendant 1: Defendant 2:

_____ _____

_____ _____

Defendant(s)

Address: Address:

_____ _____

_____ _____

STATEMENT OF CLAIM

Plaintiff(s) sue(s) the Defendant(s) for damages which do not exceed $8,000.00 exclusive of costs and interest for (check one category below):

[__] **Auto Accident** occurring on or about _____ in the vicinity of _____, in _____ County, Florida caused by the negligent operation of a vehicle operated by _____ and owned by _____ resulting in damages, described below.

[__] **Goods sold** by Plaintiff; goods and prices and credits listed below.

[__] **Work done** and materials furnished; time and materials, showing charges and credits, listed below.

[__] **Money lent** to defendant on _____ with interest owed since _____.

[__] **Promissory Note** executed on _____, copy attached; defendant failed to either pay the note or an installment payment, and interest is owed since _____, plus attorney's fees.

[__] **Account Stated** for an agreed balance owed on business transactions between the parties, the defendant did not object to the statement of account presented, a copy of which is attached.

[__] **Other claim** – Please specify: _____.

Explain below the details (what happened, dates, times, place, etc.) of your claim. This section must be completed. Attach additional pages if needed.

_____

_____

_____

[__] Attached is a copy of any written document(s) that is that basis of this claim.

WHEREFORE, the Plaintiff(s) demand judgment in the principal sum of $	
Plus costs, if known, (summons, service) in the amount of $	
Plus interest in the amount of $	
TOTAL $	

Plaintiff Address: _____

_____ Signature of Plaintiff(s)

_____ _____

_____ Print name of Plaintiff(s)

Telephone No. _____

Title (if applicable)

Email Addresses:_____

IN THE COUNTY COURT OF THE _____ JUDICIAL CIRCUIT

IN AND FOR _____ COUNTY, FLORIDA

_____ Case No.: _____

_____

Plaintiff(s)

vs. Defendant 1: Defendant 2:

_____ _____

_____ _____

Defendant(s)

Address: _____ Address: _____

_____ _____

NOTICE TO PLAINTIFF(S) AND DEFENDANT(S) TO APPEAR

TO:_____

_____

(Defendant's name and address for service of notice)

YOU ARE HEREBY NOTIFIED that you are required to appear in person or by attorney at the _____ in Courtroom #___, located at _____, on _____(date _____, at _____ m., for a PRETRIAL CONFERENCE before a judge of this court.

IMPORTANT — READ CAREFULLY THE CASE WILL NOT BE TRIED AT THAT TIME. DO NOT BRING WITNESSES — APPEAR IN PERSON OR BY ATTORNEY

The defendant(s) must appear in court on the date specified in order to avoid a default judgment. The plaintiff(s) must appear to avoid having the case dismissed for lack of prosecution. A written MOTION or ANSWER to the court by the plaintiff(s) or the defendant(s) shall not excuse the personal appearance of a party or its attorney in the PRETRIAL CONFERENCE. The date and time of the pretrial conference CANNOT be rescheduled without good cause and prior court approval.

Any business entity recognized under Florida law may be represented at any stage of the trial court proceedings by any principal of the business entity who has legal authority to bind the business entity or any employee authorized in writing by a principal of the business entity. A principal is defined as being an officer, member, managing member, or partner of the business entity. Written authorization must be brought to the Pretrial Conference.

The purpose of the pretrial conference is to record your appearance, to determine if you admit all or part of the claim, to enable the court to determine the nature of the case, and to set the case for trial if the case cannot be resolved at the pretrial conference. You or your attorney should be prepared to confer with the court and to explain briefly the nature of your dispute, state what efforts have been made to settle the dispute, exhibit any documents necessary to prove the case, state the names and addresses of your witnesses, stipulate to the facts that will require no proof and will expedite the trial, and estimate how long it will take to try the case.

Mediation may take place at the pretrial conference. Whoever appears for a party must have full authority to settle. Failure to have full authority to settle at this pretrial conference may result in the imposition of costs and attorney fees incurred by the opposing party.

If you admit the claim, but desire additional time to pay, you must come and state the circumstances to the court. The court may or may not approve a payment plan and withhold judgment or execution or levy.

RIGHT TO VENUE. The law gives the person or company who has sued you the right to file in any one of several places as listed below. However, if you have been sued in any place other than one of these places, you, as the defendant(s), have the right to request that the case be moved to a proper location or venue. A proper location or venue may be one of the following: (1) where the contract was entered into; (2) if the suit is on an unsecured promissory note, where the note is

signed or where the maker resides; (3) if the suit is to recover property or to foreclose a lien, where the property is located; (4) where the event giving rise to the suit occurred; (5) where any one or more of the defendants sued reside; (6) any location agreed to in a contract; (7) in an action for money due, if there is no agreement as to where suit may be filed, where payment is to be made.

If you, as the defendant(s), believe the plaintiff(s) has/have not sued in one of these correct places, you must appear on your court date and orally request a transfer, or you must file a WRITTEN request for transfer in affidavit form (sworn to under oath) with the court 7 days prior to your first court date and send a copy to the plaintiff(s) or plaintiff's(s') attorney, if any.

A copy of the statement of claim shall be served with this summons.

{If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact [identify applicable court personnel by name, address, and telephone number] at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.}

DATED on _____.

NADIA K. DAUGHTREY
As Clerk of the County Court

(SEAL)

By: _____

Deputy Clerk

IN THE COUNTY COURT OF THE _____ JUDICIAL CIRCUIT

IN AND FOR _____ COUNTY, FLORIDA

_____
Plaintiff
-vs-
_____
Defendant

Case Number:
Division:_____

ANSWER

The Defendant, _____, hereby files an Answer as follows:

_____
_____
_____
_____
_____
_____
_____

I understand that under Florida Small Claims Rule 7.090(c), a written response is not required unless ordered by the Court and that I must serve this written response on all other parties to the action at or prior to the pretrial conference. I also understand that filing this answer does not excuse my or my attorney's personal appearance on the initial appearance date (pretrial conference).

Date: _____

_____
Defendant Signature

Address: _____
_____
Phone _____
Email _____

Date: _____

_____
Defendant Signature

Address: _____
_____
Phone _____
Email _____

CERTIFICATE OF SERVICE

I CERTIFY that a copy has been furnished by mail/hand delivery/email on _____ to _____ at _____

_____

_____
Defendant Signature

IN THE COUNTY COURT OF THE _____ JUDICIAL CIRCUIT,

IN AND FOR _____ COUNTY, FLORIDA

_____,

Plaintiff, Case No: _____

-vs-

_____,

Defendant(S).

DESIGNATION OF EMAIL ADDRESS FOR PARTY NOT REPRESENTED BY AN ATTORNEY

Pursuant to Florida Rule of Judicial Administration 2.516, I, ,
designate the below e-mail address(es) for electronic service of all documents related to this case.

By completing this form, I am authorizing the court, clerk of court, and all parties to send copies of notices, orders, judgments, motions, pleadings, or other written communications to me by e-mail or through the Florida Courts E-filing Portal.

I will file a written notice with the clerk of court if my current e-mail address changes.

Designated e-mail address: _____

Secondary designated e-mail address(es) (if any): _____

I CERTIFY that a copy has been furnished by mail/hand delivery/email on _____
to _____ at _____
_____,_____

_____
Signature

Printed name: _____

E-mail address: _____

Address: _____

Phone number: _____

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

NON-MILITARY AFFIDAVIT

STATE OF FLORIDA,
COUNTY OF _____.

Before me, the undersigned authority authorized to take oath and acknowledgments in the State and County aforesaid, personally appeared _____ who being by me first duly sworn did state as follows:

1. That the undersigned is personally familiar with the Defendant(s), _____ _____, in the above styled matter.

2. That, to the best of the Affiant's belief and information, Defendant(s) is/are not in the service of the armed forces of the United States and is/are not entitled to the relief afforded by the Soldiers and Sailors Civil Relief Act of 1940, 50 U.S.C. Sub-Section 501 et seq.

3. Defendant is currently located at _____ _____ and his/her occupation is: _____.

FURTHER AFFIANT SAYETH NAUGHT.

_____
Affiant

Sworn to and subscribed before me by _____, who is personally know to me or produced _____ as identification this ____ day of _____, 20____.

_____
Deputy Clerk or Notary Public

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

AFFIDAVIT OF NON-COMPLIANCE WITH STIPULATION/AGREEMENT

STATE OF FLORIDA,
COUNTY OF _____.

Before me, the undersigned authority authorized to take oath and acknowledgments in the State and County aforesaid, personally appeared _____ who being by me first duly sworn did state as follows:

1. I am the records custodian for the Plaintiff(s) and I am in full charge and familiar with the books and accounts of Plaintiff(s). I have ascertained that the above-named Defendant(s) is/are justly and duly indebted to the said Plaintiff(s) at the time of filing the lawsuit for the sum of $_____, plus prejudgment interest in the sum of $_____, for a total sum sued upon of $_____.

2. Affiant further states that Defendant(s) have failed to comply with said Stipulation/ Agreement entered into between the parties either at or prior to Pre-Trial Conference.

3. Further Affiant states that the sum of $_____ is still due and owing.

4. The Plaintiff(s) move(s) this Court for entry of a Final Judgment against Defendant(s), _____, without further notice.

FURTHER AFFIANT SAYETH NAUGHT.

_____
Affiant

Sworn to and subscribed before me by _____, who is personally know to me or produced _____ as identification this ____ day of _____, 20____.

_____
Deputy Clerk or Notary Public

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

NOTICE OF VOLUNTARY DISMISSAL

No property having been seized or placed into the custody of the Court, the Plaintiff(s), _____ _____, hereby dismisses this action against Defendant(s) _____ _____.

I certify that a copy has been furnished by mail or hand delivery to Defendant(s):

_____
_____
_____
Name and Address

on this _____ day of _____, 20____.

_____
Signature
_____
_____
_____
Name and Address

STATE OF FLORIDA,
COUNTY OF _____.

Sworn to and subscribed before me by _____, who is personally know to me or produced _____ as identification this ____ day of _____, 20____.

_____
Deputy Clerk or Notary Public

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

AFFIDAVIT OF PLAINTIFF'S CLAIM

STATE OF FLORIDA,
COUNTY OF _____.

The undersigned, being by me first duly sworn, says that:

(Check **one only**)

____ 1.He/She is the Plaintiff in the above styled cause.

____ 2.He/She is the _____ of _____, a corporation organized, existing, and doing business under and by virtue of the laws of the State of _____.

____ 3.He/She is a co-partner the co-partnership doing business under the firm name, style, and description of _____, composed of the following co-partners, to-wit: _____.

____ 4.He/She is sole trader doing business as _____ _____.

As such, the Affiant states that he/she is familiar with the records of the business of said Plaintiff(s), and that he/she has personal knowledge of the facts concerning this matter.

There is due and owing to the Plaintiff(s) by the Defendant(s), after the allowance of all just credit, deductions and set-offs, the following:

Principal	$_____
Pre-judgment Interest	_____
Filing Fees	_____
Service of Process	_____
Attorney's Fees	_____
TOTAL	$_____

_____
Signature of Affiant
_____
_____
_____
Name and Address

Sworn to and subscribed before me by _____, who is personally know to me or produced _____ as identification this ____ day of _____, 20____.

_____
Deputy Clerk or Notary Public

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

MOTION FOR ENFORCEMENT PARAGRAPH

Plaintiff(s), _____, moves the Court to include an enforcement paragraph in any Final Judgment entered in this cause requiring the Defendant(s) to complete a Fact Information Sheet and to return it to the Plaintiff(s) within 45 days from the date of the final judgment, unless the final judgment is satisfied or a motion for new trial or notice of appeal is filed.

Signed this _____ day of _____, 20___.

_____
Plaintiff

I HEREBY CERTIFY that a copy of the foregoing has been furnished to Defendant(s), _____ Address: _____by U. S. Mail this _____ day of _____, 20___.

_____
Plaintiff

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____
_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

FINAL JUDGMENT
(Non-Compliance with Stipulation/Agreement)

THIS CAUSE having come before the Court on Plaintiff(s)'s Affidavit of Non-Compliance with Stipulation/Agreement stating Defendant(s)'s default on said Stipulation/Agreement previously entered into between the parties, and the Court being otherwise fully advised in the premises, it is hereby

ADJUDGED that Plaintiff(s) _____, whose address is _____, recovers from Defendant(s) _____ the sum of $_____, for which let execution issue.

All amounts awarded in this judgment will accrue interest at the rate of 5.53% per annum from the date of this judgment until paid in full.

DONE AND ORDERED at Arcadia, DeSoto County, Florida, this _____ day of _____, 20____.

_____
COUNTY JUDGE

Copies furnished to:
Plaintiff(s)
Defendant(s)

_____
Judicial Assistant

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

_____
_____

_____
(Name and Address)
Plaintiff(s),

vs. CASE NO. _____

_____
_____
_____
(Name and Address)
Defendant(s).
_____/

SATISFACTION OF JUDGMENT

KNOW ALL MEN BY THESE PRESENTS: That _____ _____, the Plaintiff(s) in the above styled cause, wherein a Judgment was rendered on _____, in the above named Court for $_____ (_____DOLLARS AND CENTS) against _____ _____, the Defendant(s) herein, said Judgment being duly recorded in Official Records Book _____, Page _____, and the Certified Copy of Judgment recorded in Book _____, Page _____, of the Public Records of _____ County, Florida, do hereby acknowledge full payment and satisfaction thereof and hereby consent the same to be satisfied of record.

_____ _____
Witness Plaintiff
_____
_____ _____
Witness Address

_____ _____
Witness Plaintiff
_____
_____ _____
Witness Address

STATE OF FLORIDA,
COUNTY OF _____.
Sworn to and subscribed before me this _____ day of _____, 20___, by _____ _____, who is/are personally known to me or have produced _____as identification.

_____
Deputy Clerk or Notary Public

(SEAL ABOVE)

FORM 1.998. FINAL DISPOSITION FORM

This form shall be filed by the prevailing party with the Clerk of Court for the purpose of reporting uniform case data pursuant to Florida Statutes section 25.075. (See instructions on the reverse of the form.)

I. CASE STYLE

IN THE COUNTY COURT IN AND FOR DESOTO COUNTY, FLORIDA

Plaintiff _____ Case No: _____
_____ Judge: _____

vs.

Defendant_____
_____

_____

II. AMOUNT OF FINAL JUDGMENT
Please indicate the amount of the final judgment, rounded to the nearest dollar. $_____

III. MEANS OF FINAL DISPOSITION (Place an "x" in one box for major category and one subcategory, if applicable, only)

- ☐ Dismissed Before Hearing
  - ☐ Dismissed Pursuant to Settlement—Before Hearing
  - ☐ Dismissed Pursuant to Mediated Settlement—Before Hearing
  - ☐ Other—Before Hearing
- ☐ Dismissed After Hearing
  - ☐ Dismissed Pursuant to Settlement—After Hearing
  - ☐ Dismissed Pursuant to Mediated Settlement—After Hearing
  - ☐ Other After Hearing—After Hearing
- ☐ Disposed by Default
- ☐ Disposed by Judge
- ☐ Disposed by Non-jury Trial
- ☐ Disposed by Jury Trial
- ☐ Other

_____

DATE _____

_____
SIGNATURE OF ATTORNEY FOR PREVAILING PARTY